

REMARKS

Applicant expresses appreciation to the Examiner for consideration of the subject patent application. This amendment is in response to the Office Action mailed September 22, 2005. Claims 1-6, 8-15 and 22-25 were rejected. The claims have been amended to address the concerns raised by the Examiner.

Claims 1-21 were originally presented. Claims 7 and 16-21 were previously canceled. Claims 22 and 23 were previously presented. Claims 24-25 were previously added. Claim 4 and 6 were canceled. Claims 26 and 27 were added. Claims 1-3, 5, 8-15, and 22-27 remain in the application.

Claim Rejections - 35 U.S.C. § 112

Claims 4, 5, and 10 stand rejected under § 112, 2nd paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 4 has been canceled. Claim 5 was amended to be dependent on claim 1. Claim 10 was amended as discussed below.

Claim Rejections - 35 U.S.C. § 101

Claims 10-15, 22, 23, and 25 stand rejected under § 101 because the claimed invention was directed to non-statutory subject matter. The preamble of the claims has been amended from “game” to “gaming device” to clarify what statutory class “a game” refers to.

Claim Rejections - 35 U.S.C. § 102

Claims 1-6 and 8-15 (including independent claims 1 and 10) were rejected under 35 U.S.C. § 102(b) as being anticipated by Carter, III et al., US Patent No. 4,695,058 (hereinafter “Carter”).

In order to most succinctly explain why the claims presented herein are allowable, Applicant will direct the following remarks primarily to the originally presented independent claims 1 and 10, as amended, with the understanding that once an independent claim is allowable, all claims depending therefrom are allowable.

Claim 1 identifies, a method of playing a game, including the steps of:
applying a display strip to a player, wherein the display strip is also
coupled to a hand-held microprocessor which is capable of performing functions
unrelated to the game; and

“receiving input from a hand-held input device configured to receive
information from the player, wherein the hand held input device is coupled to the
hand-held microprocessor”...

Several important differences should be noted between the claimed invention and the Carter reference. For example, Carter discloses a hand held gun that is a receiving device. (Carter, Col. 4, lines 16-32). The gun can receive signals broadcast by other players. However, the gun cannot be used as an input device to receive information from the player holding the gun.

In contrast, claim 1 recites a hand-held input device coupled to the hand-held microprocessor that is configured to receive information from the game player. Players can input information to the hand-held microprocessor using the hand-held input device 310, as is shown in FIG 3. (See specification, Page 4, lines 22-23). Thus, the gun disclosed in Carter is not a hand-held input that is configured to receive information from the game player as recited in Claim 1. Rather, the gun can only be used to receive input from other players. This is significant because it allows the player to personally control his game processing, rather than merely to respond from input to another player, as is required in Carter.

The Examiner pointed out in the Office Action that the use of a generic hand-held computing device was not specifically claimed. Claim 1 has now been amended to specifically recite a generic hand-held computing device. The hand-held microprocessor disclosed in the present application can be a multi-purpose computer such as a personal digital assistant. (See specification, Page 3, lines 29-34). The microprocessor, or game processor, is capable of performing functions unrelated to games. Thus, the PDA or other type of computing device can be used for organization, storage, music, video, and other unrelated computing activities. The use of a multi-purpose computing device in the present application is beneficial because it reduces the overall cost of the gaming device. A user can have a single computing device that

can be used for work activities, leisure activities, as well as playing of games as disclosed in the present application.

In contrast, Carter does not disclose a display strip coupled to a hand-held microprocessor that is capable of performing functions unrelated to the game. Rather, Carter only discloses electronics that are used specifically for the unique game disclosed in Carter.

Therefore, Applicant respectfully submits that independent claim 1 is allowable, and urges the Examiner to withdraw the rejection.

Claim 10 similarly recites a gaming device comprising a hand-held microprocessor capable of performing functions unrelated to the games and coupled to a hand-held input device to enable the hand-held microprocessor to receive information from the a user of the gaming device. As previously stated, Carter does not disclose a hand-held microprocessor capable of performing functions unrelated to the games. This significantly increases the overall cost of using the Carter device. Also, as stated above, Carter does not disclose a hand-held input device to enable the hand-held microprocessor to receive information from the user of the gaming device.

Therefore, Applicant respectfully submits that independent claim 10 is allowable, and urges the Examiner to withdraw the rejection.

Rejection of the dependent claims 2, 3, 5, 8, 9, 11-15, and 22-23 should be reconsidered and withdrawn for at least the reasons given above with respect to the independent claims. The dependent claims, being narrower in scope, are allowable for at least the reasons for which the independent claims are allowable.

Claim Rejections - 35 U.S.C. § 103

Claims 24 and 25 were rejected under 35 U.S.C. § 103 as being unpatentable over Carter in view of Coffman, U.S. Patent Application Publication No. 2004/0215467 A1.

The Carter and Coffman references, when combined, do not teach or suggest all of the elements of claims 24 and 25. Specifically, the Coffman reference does not teach the use of a multi-purpose computer with a gaming device and the Carter reference does not overcome that deficiency.

As stated in the Office Action, the Carter reference does not disclose a hand-held microprocessor that is a personal digital assistant (PDA). The Office Action states that Coffman teaches that a computer can refer to any data processing device including portable computers, palm-top computers, PDAs, etc. However, this is an irrelevant broad generalization. The mere fact that microprocessors exist within a wide variety of different electronic products does not portend that they are all equivalent and obvious. One would not purchase a toaster having a microprocessor configured to optimize toasting of bread products when one wanted to play a video game.

Similarly, even though Carter teaches the use of a processor specifically designed for the unique game disclosed in Carter, it does not mean that it would be obvious to use a multi-purpose computer such as a PDA. A specific computing device, as disclosed in Carter, is generally substantially limited to the desired use. This enables the computing device to be manufactured inexpensively. However, a person that already owns a more expensive multi-purpose computing device, such as the hand-held microprocessor that is capable of other functions recited in claims 1 and 10 and more specifically the PDA recited in claims 24 and 25, can save money by using the general purpose computer to operate a game such as the one disclosed in the present application. The two different types of computing devices are designed for different types of products as well as different types of marketing. The Carter game can be marketed to the entire public, while the game disclosed in the present application may only be marketed to those having a general computing device such as a PDA. The two types of computing devices are not interchangeable as taught or suggested in either Coleman or Coffman.

Therefore, Applicant respectfully submits that claims 24 and 25 are allowable, and urges the Examiner to withdraw the rejection.

Claims 26 and 27 have been added to include additional subject matter disclosed in the application. The claims recite printing a user selectable image pattern on a sheet of label stock having a printable surface and coupling the printed label stock to the at least one display strip to provide a display strip having a custom pattern. The label stock can be printed using a user's printer. (See Page 8 line 24 to Page 9 line 30). Enabling a user to print user selectable image patterns and place them on the display strip enables a larger variety of games to be played in

conjunction with the multi-purpose computer. Therefore, the printed label stock adds utility to the gaming device and method disclosed in the application.

Since the gaming device disclosed in Coleman is related to a single game, there is no purpose for user selectable image patterns to be printed or attached. Thus, the subject matter of claims 26 and 27 is not taught or suggested in any of the cited prior art.

Therefore, Applicant respectfully submits that claims 26 and 27 are allowable.

CONCLUSION

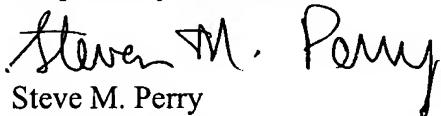
In light of the above, Applicant respectfully submits that pending claims 1-3, 5, 8-15, and 22-27 are now in condition for allowance. Therefore, Applicant requests that the rejections and objections be withdrawn, and that the claims be allowed and passed to issue. If any impediment to the allowance of these claims remains after entry of this Amendment, the Examiner is strongly encouraged to call Vaughn North at (801) 566-6633 so that such matters may be resolved as expeditiously as possible.

Dependent claims 26 and 27 were added, while claims 4 and 6 were canceled. Therefore, no additional fee is due.

The Commissioner is hereby authorized to charge any additional fee or to credit any overpayment in connection with this Amendment to Deposit Account No. 08-2025.

DATED this 20th day of December, 2005.

Respectfully submitted,


Steve M. Perry
Registration No. 45,357

THORPE NORTH & WESTERN, LLP
Customer No. 20,551
P.O. Box 1219
Sandy, Utah 84091-1219
Telephone: (801) 566-6633